

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DEBRA F. JODOIN
ON BEHALF OF THE ESTATE OF
HARVEY SCHWARTZ
Plaintiff,

v.

William Beaumont Hospital
AND ATTACHED LIST Defendant(s).

Case:2:11-cv-13630
Judge: Roberts, Victoria A.
MJ: Hluchaniuk, Michael J.
Filed: 08-19-2011 At 01:22 PM
CMP JODOIN V. WILLIAM BEAUMONT HOSP
ITAL, ET AL (TAM)

COMPLAINT

SEE ATTACHED COMPLAINT

Deutschland
Signature of Plaintiff

Signature of Plaintiff

24443 SURFSIDE

Street Address

Street Address
NOVI MI 48374

City, State ZIP

248-505-3970

Telephone Number

Aug 19, 2011

Date

Defendants:

1. William Beaumont Hospital and/or its Physicians, Nurses, and other patient care staff.
2. William Beaumont Hospital in Patient Rehabilitation Unit and/or its Physicians, Nurses or other patient care staff.
3. William Beaumont Hospital in Patient Hemodialysis Unit and/or its Physicians, Nurses, and other patient care staff.
4. Jeffery Altshuler, M.D. and his professional corporation
5. Marc Brodsky, M.D.
6. Jeffery Gold, M.D. and his professional corporation
7. John Burdakin, M.D. and his professional corporation
8. Anthony D'Errico, D.O.
9. Fouad Batah, M.D.
10. Nancy DeSantis, M.D.
11. Sherry Viola, M.D.
12. Sultan Zaidan, M.D.

STATEMENT OF CLAIM

Debra F Jodoin, claimant, on behalf of the estate of Harvey Schwartz, hereby files this claim against the Defendants: William Beaumont Hospital- Royal Oak and/or its physician, nursing, or other patient care staff including its residents, William Beaumont Hospital In Patient Rehabilitation Unit and/or its physician, nursing, and other patient care staff including its residents, William Beaumont Hospital In Patient Dialysis Unit including its physicians, nurses and/or other patient care including its residents, Jeffery Altshuler, M.D. and his professional corporation, Marc Brodsky, M.D., Jeffery Gold, M.D. and his professional corporation, John Burdakin, M.D. and his professional organization, Anthony D'Errico, D.O., Fouad Batah, M.D., Nancy DeSantis, D.O., Sherry Viola, M.D., and Sultan Zaidan, M.D., and support thereof states as follows:

FACTUAL BASIS OF CLAIM

February 20, 2009: Harvey Schwartz was admitted to William Beaumont Hospital with complaints of chest burning on exertion for an optional heart catheterization to be performed by Dr. Marc Brodsky. Prior to his hospitalization he was found to have a disease called Thrombocytopenia. Preoperative ultrasound of the kidneys revealed absence of renal artery stenosis or other renal abnormality. Renal function and liver enzyme tests including SGOT, SGPT, PROTEN, TOTAL, ALBUMIN, BUN, CREATINE, GFR, were also performed and found to be normal as of December 12, 2008.

February 20, 2009: Heart catheterization performed by Dr. Marc Brodsky, aggravated heart and patient, Harvey Schwartz goes into congestive heart failure and bypass heart surgery must be done.

February 21, 2009: Harvey Schwartz underwent a quadruple bypass surgery at William Beaumont Hospital performed by Dr. Jeffery Altshuler with a consultation from Dr. John Burdakin Jr., Dr. Anthony D'Errico and/or other hematology consultants, and/or Dr. Brodsky. Despite the patient's history of Thrombocytopenia, he was heparinized incident to the procedure and should not have been. It was noted by Dr. D'Errico that it "should be ok to start heparin if needed"; although record showed a low platelet count (59,000) was found on admission.

February 21, 2009: Harvey Schwartz was administered the drug Propofol by nursing staff on 2 East Surgical Intensive Care Unit. Propofol is known to cause encephalopathy and declining respiratory status. It is also a drug that is processed through the liver and is known to cause liver damage. This drug was given to Harvey Schwartz to induce a comatose state so he could remain calm and still for recovery

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March 3, 2009: Tracheotomy site has a confirmed Streptococcus Group G infection

March 5, 2009 Harvey has a confirmed respiratory infection. A bacterial infection called Oropharyngeal Flora. The wound team is called in to care for tracheotomy site. Site looks like an infected golf ball.

March 6, 2009 Stage 2 and Stage 3 Bed sores are now being noted due to lack of care.

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April 13, 2009: After returning to the Rehabilitation Unit at William Beaumont Hospital under the care of Dr. Nancy Desantis, Dr. Karim, and Dr. Sherry Viola, a nurse called an "On-call" Doctor, Dr. Sultan Zaidan because patient was having trouble sleeping. Without knowledge of patient's situation or chart, Dr. Sultan Zaidan called in a prescription of Ambien to be crushed and given. A sleeping pill should never have been prescribed because patient was a dialysis patient and would remain in system until dialysis is done.

April 14, 2009: After receiving Ambien prescribed by Dr. Sultan Zaidan, Harvey Schwartz awoke at 7:15am with the need to use the restroom. After repeatedly hitting the call button for a nurse to come to his aid, he made the decision to go himself. Upon doing so, a nurse never came because it was during report time, no bed alarm was ever engaged, and he was quite sleepy because of the medication received the evening prior and it had not been dialyzed out of his system. As a result of being unassisted he fell hitting his head. Sending him back to the ICU and into a psychotic state, requiring an unnecessary CAT scan and blood tests. A MRI was refused over and over at the request of patient's family stating he was different after the fall. This was a tremendous setback in his recovery.

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April 14, 2009: Director of Nursing, Bernadette Carroll, R.N., BSN is witness to patient, Harvey Schwartz having blood drawn from his perma-cath while the stat nurse turns and asks the other stat nurse to give her sub q heparin to clear the line. Again, no chart was checked. Fortunately, patient's family was also present and caught mistake.

April 14, 2009: Under the direction of Val Gokenbach, DM, RN, CNAA, Vice President, Chief Nurse Executive, a sitter is now assigned to be with Harvey Schwartz at all times to aid in prevention of future

errors on the part of William Beaumont Hospital and William Beaumont Hospital In Patient Rehabilitation Facility and staff.

April 15, 2009: Dr. Susan Catto is now involved with patient care as a liaison between family and staff due to chart being transferred to "risk management", because of multiple errors on the part of the William Beaumont Hospital and William Beaumont Hospital In Patient Rehabilitation Unit Staff.

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April 27, 2009: Patient was neglected by staff in Rehabilitation Unit at William Beaumont Hospital until blood Ammonia levels reached 111 putting patient back into a psychotic state regardless of patients family telling staff members for three days that things were off. Patient was then transferred back into ICU and was again subject to horrible insertion of medication rectally.

May 2, 2009: Harvey Schwartz, Patient, was discharged from William Beaumont Hospital by Dr. Fouad Batah. Completely unable to care for himself, not even strong enough to get up by himself, Harvey was prescribed the following discharge medications: aero chamber max device, albuterol 2.5 mg/3ml 0.083 nebulizer solution, albuterol nebulizer solution 5 mg, albuterol-ipratropium inhaler, albuterol-ipratropium 2.5 mg/500mcg, albuterol-ipratropium 5 mg/500mcg, aspirin chew tab 81 mg, erythromycin ophthalmic ointment, lacrilube ophthalmic ointment, ferric gluconate injection 62.5 mg, hydromorphone hcl 1mg/ml inj solution, lactulose in 0.9 %NaCl enema, lactulose solution 20 g/30 ml UD cup 20 g, Midazolam hcl 1 mg/ml inj solution, midodrine tablet 5 mg, pantoprazole ec tablet 40, mg, triamcinolone acetonide 0.1 % ointment, trypsin – castor oil xenaiderm ointment, aranesp inj 100 mcg, synthroid 50 mcg, lidoderm patch. He was also in need of Hemodialysis 3 – 4 times a week and a follow up visit within two weeks to his Cardiologist, hematologist, eye doctor, internal medicine, and liver specialist. He was also sent home with orders for Physical Therapy, Occupational Therapy, Social Work, Evaluate need for Home Health Aide, Skilled Nursing, Trach Care and Wound Care. It is also noted Harvey is a high risk for falls. It is indicated to patient's family by nursing staff that William Beaumont Hospital is "fearful of future errors and it may be better if he went home." Obviously, that was a mistake.

May 23, 2009: Harvey Schwartz was admitted to Providence Park Hospital, Novi, Michigan, with a blood Pseudomonas infection, which is a hospital antibiotic resistant infection contracted while inpatient at William Beaumont Hospital.

July 4, 2009: Harvey Schwartz died from multiple organ failure due to lack of patient care and multiple errors by Doctors, nurses, and staff at William Beaumont Hospital, William Beaumont Hospital in Patient Hemodialysis Unit, and William Beaumont Hospital in Patient Rehabilitation Unit from February 20, 2009 until May 2, 2009.

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Debra F. Jodoin, on behalf of the estate of Harvey Schwartz

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Oakland

(c) Attorney's (Firm Name, Address, and Telephone Number)

None X DEBRA JODOIN
34443 SURFSIDE, NOVI MI 48374

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF

DEF

Citizen of This State

X

1

Incorporated or Principal Place

of Business In This State

PTF

DEF

Citizen of Another State

□

2

Incorporated and Principal Place

□

5

Citizen or Subject of Foreign Country

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IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT

- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment & Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- 153 Recovery of Overpayment of Veteran's Benefits
- 160 Stockholders' Suits
- 190 Other Contract
- 195 Contract Product Liability
- 196 Franchise

TORTS

PERSONAL INJURY

- 310 Airplane
- 315 Airplane Product Liability
- 320 Assault, Libel & Slander
- 330 Federal Employers' Liability
- 340 Marine
- 345 Marine Product Liability
- 350 Motor Vehicle
- 355 Motor Vehicle Product Liability
- 360 Other Personal Injury

PERSONAL INJURY

- 362 Personal Injury - Med. Malpractice
- 365 Personal Injury - Product Liability
- 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

FORFEITURE

- 610 Agriculture
- 620 Other Food
- 625 Drug Related Seizure of Property 21 USC 881
- 630 Liquor Laws
- 640 R.R. & Truck
- 650 Airline Regs.
- 660 Occupational Safety/Health
- 690 Other

LABOR

- 710 Fair Labor Standards Act
- 720 Labor/Mgmt. Relations
- 730 Labor/Mgmt. Reporting & Disclosure Act
- 740 Railway Labor Act
- 790 Other Labor Litigation
- 791 Empl. Ret. Inc. Security Act

IMMIGRATION

- 462 Naturalization Application
- 463 Habeas Corpus - Alien Detainee
- 465 Other Immigration Actions

28 USC 1331

PROPERTY RIGHTS

- 820 Copyrights
- 830 Patent
- 840 Trademark

SOCIAL SECURITY

- 861 HIA (1395ff)
- 862 Black Lung (923)
- 863 DIWC/DIWW (405(g))
- 864 SSID Title XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS

- 870 Taxes (U.S. Plaintiff or Defendant)
- 871 IRS—Third Party
- 26 USC 7609

Appeal to District Judge from Magistrate Judgment

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
600.2912A Action Alleging Malpractice; Burden of Proof

VI. CAUSE OF ACTION

Brief description of cause:
Medical Malpractice/Negligence/Wrongful Death

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ 250,000. per defendant CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 19, 2011

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

X Debra Jodoin
Signature of Attorney of Record

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

 Yes No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

 Yes No

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Notes :

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